

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20996 of 2003

Between:

Loya Gopikishan, S/o. Bodulal
Prop. of M/s. Swastic Oil Mill, Sadasivpet town & Mandal,
Medak District

..... PETITIONER

AND

- 1 The Commissioner of Civil Supplies Ex. Office Secretary, Govt.of A.P.,
Food and Agriculture Department, Secretariat Building, Hyderabad.
- 2 The Collector CS Medak Dist. at Sangareddy

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the in-action of the 1st respondent to transfer the appeal under Section 6-C of E.C. Act filed on 4-12-1995 by the petitioner to the District and Sessions Judge, Medak Dist. at Sangareddy as per the amendment in the Essential Commodities Special Provisions Act as illegal, improper, null and void.

Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY

Counsel for the Respondents: G.P. FOR CIVIL SUPPLIES.

The Court made the following ORDER:

ORAL ORDER:

Heard both sides.

The only grievance of the petitioner in this writ petition is that the appeals have been transferred from the file of the first respondent to the newly constituted appellate authority i.e., the District Judge concerned, but the same is not being taken on record and the appeals are still pending.

It is represented that the petitioner has filed an appeal under Section 6-C of the Essential Commodities Act as against the proceedings issued by the second respondent, seizing the stocks on 24.10.1995 and the said appeal is kept pending with the first respondent without being transferred to the newly constituted appellate authority.

Having heard the learned counsel on either side and on perusal of the entire material available on record, it would suffice in the interest of justice to direct the first respondent to transfer the appeal filed by the petitioner to the newly constituted appellate authority.

Accordingly, the writ petition is disposed of directing the first respondent to transfer the appeal filed by the petitioner to the newly constituted appellate authority i.e., District Judge, Medak, Sangareddy District, within a period of two weeks, from the date of receipt of a copy of this order and the appellate authority shall dispose of the same within a period of four weeks thereafter. No costs.

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B. Prakash Rao, J

18th November, 2004

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To

1. The Commissioner of Civil Supplies Ex. Office Secretary,
Govt.of A.P., Food and Agriculture Department, Secretariat Building,
Hyderabad.
2. The District Judge, Medak at Sangareddy.
3. The Collector CS Medak Dist. at Sangareddy
4. Two CCs to G.P for Civil Supplies, High Court of A.P. Buildings,
Hyderabad (OUT)
5. Two CD Copies